

No 39 *E*

*m*  
Circuit

Court

Lou Remillard and  
D. G. Brucker

Plaintiff's

<sup>vs</sup>  
Oregon Short Line  
and Utah Northern  
Ry Co

Defendant

Action for

Docket

Page

H. Crawford and  
R. Oakie

Attorneys for Plaintiff

Attorney for Defendant

REVISED BY THE  
M. I. BOARD OF  
JULY 1911  
H. W. I. + H. C. I.  
H. N. I. O. M. V.

**Record of the Case.**

**WITNESSES.**

391

Road petitioned for  
by E Smith et al

Commencing at the South  
East corner stake of  
Section 22 T 2 N R 40 E  
and terminating at center  
of North line of N E  
of Sec 4 T 2 N R 40 E

Petition filed Aug 5 1891  
Viewers appointed Jul 5 58  
First Reading - 591  
Ordered open 611  
Platted

DIRECTIONS—Place papers on TOP OF RUBBER  
Fold ends first then sides Throw the rubber cords  
over the ends and package is complete

# Petition for County Road.

TO THE HONORABLE COUNTY COURT FOR Union COUNTY, OREGON:

The undersigned, householders of Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, respectfully petition your Honorable body to lay out, alter and establish a County road within said County on the following line or route, to-wit: Commencing at the southeast corner stake

of Section twenty-two (22) Township two (2) North of Range 40 East N.M. thence north about two (2) miles and 54 rods to a stake marked "A", thence in a northwesterly direction about 48 rods to a stake marked "B" on the line between the north half and south half of the S E 1/4 of Section 10, thence west about 110 rods to the center of the west line of the S E 1/4 of Section 10, thence north three fourths (3/4) mile, on the line as near as practicable, to the center of the north line of Section 10, thence west one half (1/2) mile, on the line as near as practicable, to the northwest corner of Section 10, thence north three fourths (3/4) mile to the center of the east line of the N E 1/4 of Section 4, thence in a northwesterly direction about 91 rods to a tamarack tree blazed and marked "C", thence west about 37 rods to the center of the north line of the N E 1/4 of Section 4, Township two (2) North of Range 40 East N.M., and there terminating. All of said points and places are in Union County, Oregon.

And in duty bound your petitioners will ever pray, &c.

- 1 E. Smith  
 NAMES:  
 2 U. F. Weiss  
 3 N. W. Appleington  
 4 S. G. Sisson  
 5 Robert Knight  
 6 A. J. Stoe.  
 7 W. Wash  
 8 W. R. Gregg  
 9 Milton Wheeler  
 10 Wm Blair  
 11 Willis E Carleton  
 12 J. K. Jones.  
 13 E. V. Cronner  
 14 Joseph Scott  
 15 C. McPherson

- NAMES:  
 16 A. G. Woods  
 17 Glyde Danforth  
 18 W. Laver  
 19 John G. Smith  
 20 W. R. Henderson  
 21 John Reynard  
 22 Joe Smith  
 23 Walter Melton  
 24 J. H. Brown  
 25 D. S. Thompson  
 26 Wm Cronner  
 27 Charles Harill  
 28 E. Hill  
 29 Goel N. Brown  
 30 E. E. Brown  
 31 Noah Richards

FILLED.

AUG 9 1891

*James Owen*  
County Clerk.



PAID.

AUG 9 1891

*James Davis*  
County Clerk.

STATE OF OREGON,  
County of Union, } SE.

I, A. F. Weiss

being first duly sworn, say that I posted three several notices, of which the notice hereunto attached is a true and correct copy, in three public places in said County in the vicinity of the proposed road therein described, to-wit: One posted on a tree in front of Mr. J. K. Jones's house, another on a tree near Robt. Knight's house, another on a tree on the northwest corner of Mr. Gaskell's place, All which places are Union County and State of Oregon

thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the First day of July 1891, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the third day of July 1891, <sup>caused to be</sup> I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit: On the front of the Court House door, in the City of Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

A. F. Weiss

Subscribed and sworn to before me this 1<sup>st</sup> day of August 1891.

A. W. Shaug  
Notary Public for Or

**PAID.**

AUG 9 1891

*James Owen*  
County Clerk







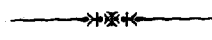
FILLED.

AUG 9 1891

*James Owen*

County Clerk.

# BOND OF ROAD PETITIONERS.



Know All Men by These Presents, That we, *U. F. Weiss*, *J. K. Jones* and *Robert Knight*, of the County of Union and State of Oregon, are held and firmly bound unto said County of Union in the sum of *Two Hundred* Dollars, the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed this *18* day of *July* A. D. 189*1*.

Now, the condition of the above obligation is such, That, whereas the above named *U. F. Weiss*, *J. K. Jones* and *Robert Knight*, and others, have petitioned the County Court of said County of Union, at the *August* Term, 189*1*, thereof for a County Road, commencing at the *South-east corner stake of section township two (2) North of Range 40 East T. M.* thence north about *two (2) miles* and *54 rods* to a stake marked "A", thence in a northwesterly direction about *48 rods* to a stake marked "B", on the line between the north half and south half of the *S.E. 1/4 of section 19*, thence west about *100 rods* to the center of the west line of the *S.E. 1/4 of section 10*, thence north *three fourths (3/4) mile* in the line as near as practicable, to the center of the north line of section 10. Thence west *one half (1/2) mile*, on the line as near as practicable, to the northwest corner of section 10. Thence north *three fourths (3/4) mile*, to the center of the east line of the *N.E. 1/4 of section 4*, thence in a northwesterly direction about *91 rods* to a *timber tree blazed and marked "C"*, thence west about *37 rods* to the center of the north of the *N.E. 1/4 of section 4*, Township two (2) North of Range 40 East T. M., and thence terminating. All of said points and places are in Union County, Oregon.

Now, if the above named *U. F. Weiss*, *J. K. Jones* and *Robert Knight* shall well and truly pay, or cause to be paid, all costs and expenses that may be incurred by reason of the view or review of said Road, in case the prayer of said petitioners be not granted or allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

{ a witness in }  
{ signature of J. K. Jones. }

*U. F. Weiss*  
*J. K. Jones*  
*Robert Knight*



STATE OF OREGON, }  
County of Union. }

I, *U. F. Weiss*, *J. K. Jones* and *Robert Knight*, each for himself, says, that I am worth the sum of *One Hundred and Fifty* Dollars over and above all debts and liabilities and property exempt from execution; that I am a resident and householder in said County and State.

*U. F. Weiss*  
*J. K. Jones*  
*Robert Knight*

Subscribed and sworn to before me this *18* day of *July* A. D. 189*1*

*Wm. Strang*  
Notary Public  
for Oregon

In the County Court of the State  
of Oregon, Union County.

IN THE MATTER OF THE

*Elmick*  
ROAD.

**BOND OF ROAD PIONEERS.**

Approved \_\_\_\_\_ 189.

*J. W. Sanders*  
County Judge.

Filed \_\_\_\_\_ 189.

\_\_\_\_\_  
County Clerk.

By \_\_\_\_\_  
Deputy.

**FILED.**

AUG 5 1891

*James Oliver*  
County Clerk.

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 5<sup>th</sup> day of August, 1891, appointed to view and lay out and alter the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by E. Smith, et al, beg leave to report that on the 21 day of August, 1891, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out established as a public highway of Union County, Oregon; that the same is practicable and would greatly add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out declared a public highway of said county.

John Graham Jr  
J. H. Morton  
M. F. Wyatt  
VIEWERS.

FILED.

SEP 2 1891

*James Owen*

County Clerk.

Field notes

Of the Road Petitioned for by E Smith  
et al. Done Aug 21<sup>st</sup> 1891

Beginning at the S E Corner of Sec 22 in  
Township 2 North Range 40 East and  
running thence N

80 or To 1 mile Sta Thence N

80 or " " 2 " " A Pine Tree 36 in  
in diameter Bearing N 21° East 30 lks distant  
Thence N

16 00 Chas to A 1 " " 52° W

11 75 " " 2 " W

27 28 " " 3 " N

25 97 " " 3 m Sta " N

16 00 " " 4 " N 62° W

5 10 " " 5 " " 5° E

9 00 " " 6 " " 68° W

19 45 " " 7 " W

19 50 " " 8 " N

10 95 " " 4 m Sta " "

49 05 " " 9 " " 34° W

20 40 " " 10 " W

9 75 To the Terminus of the Road at A Pine Tree  
12 inches in Diameter Marked R.T.  
making the whole distance 4 miles and  
317 Rods

J L Curtis  
Surveyor

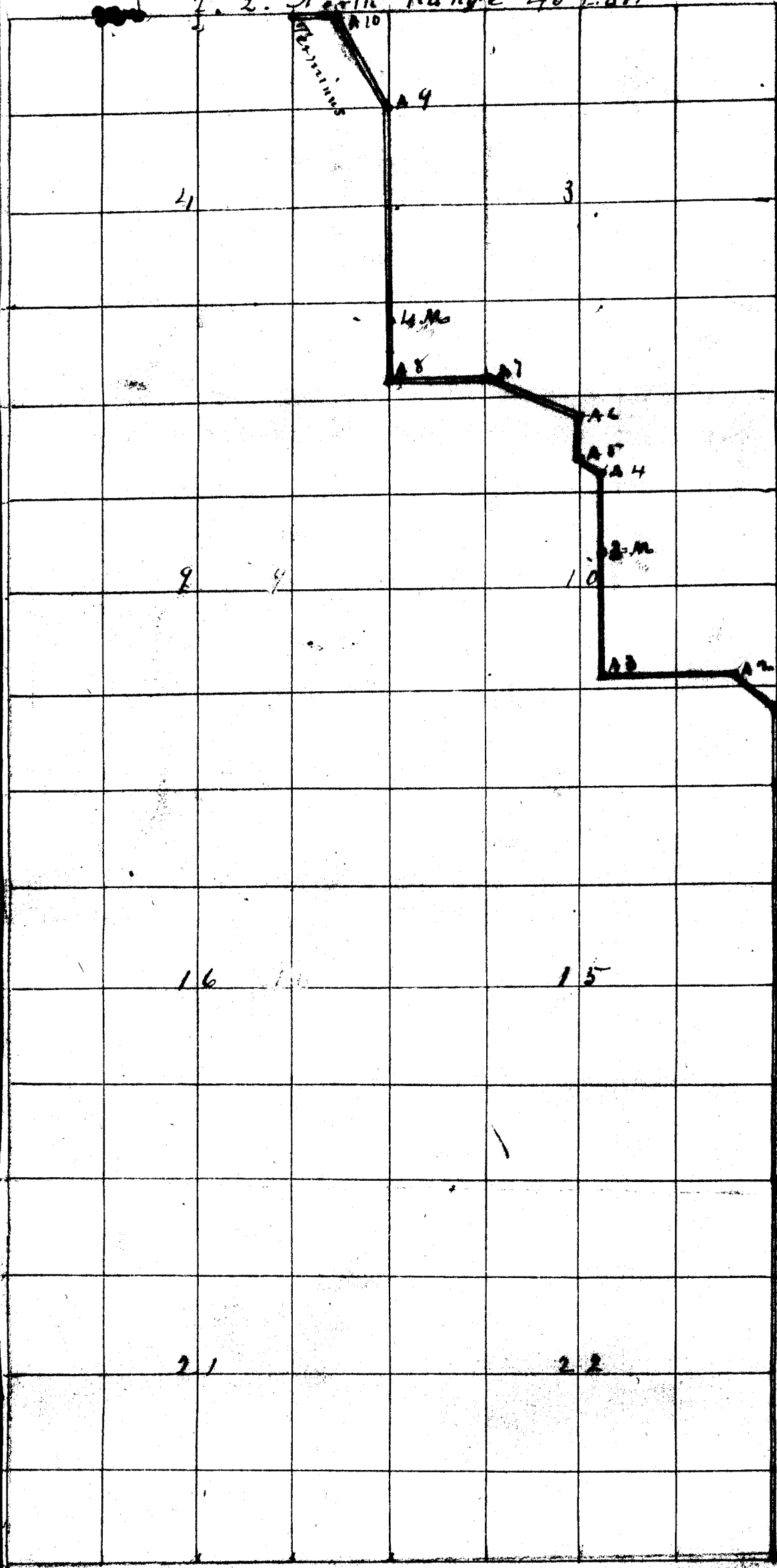
ENTERED

SEP 2 1891

*James O'Brien*  
County Clerk



T. 2. North Range 40 Feet



Beginning

4

3

A10

A8

A7

A6

A5

A4

A3

10

A2

A1

9

8

16

15

21

22

True Meridian  
Jan 21. 8

Scale 3 in. to the Mile

Beginning

**FILED.**

SEP 2 1891

*James Davis*  
County Clerk

First Judicial Day. Wednesday, Aug 3<sup>rd</sup> 1891.

present records of this Court, and that the notices proposed were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding has been duly given.

It is therefore ordered that John Shaw, Howard Campbell and John Edwards be appointed Viewers of said road, and that J. P. Lewis be appointed Surveyor of said road, and that they meet at beginning of road on the 10 day of August 1891. at the hour of 10 o'clock A.M. and after qualifying, to view, survey and lay out said road according to Law.

In the matter of the  
proposed County Road  
petitioned for by C. Smith et al

Comes now C. Smith one of the petitioners for the above named proposed County Road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County road described as follows, to-wit: Commencing at the southeast corner of the section twenty two (22) Township two (2) North of Range 40 East W.M.; thence north about two (2) miles and 54 rods to a stake marked A; thence in a northwesterly direction about 48 rods to a stake marked B on the line between the north half and south half of the N<sup>6</sup> of Sec 10; thence west about 110 rods to the center of the west line of the S<sup>6</sup> of Sec 10; thence north three fourths (3/4) mile on the line as near as practicable to the center of the north line of Sec 10; thence west one half (1/2) mile on the line as near as practicable to the northwest corner of Sec 10; thence north three fourths (3/4) mile to the center of the east line of the N<sup>6</sup> of Sec 4; thence in a northwesterly direction about 91 rods to a tamarack tree blazed and marked "C" thence west about 57 rods to the center of the north line of the N<sup>6</sup> of Sec 4 1/2 miles north of Range 40 E.W.M. and there terminates. All of said

First Judicial Day.

Wednesday, Aug. 5<sup>th</sup> 1891.

points & places are in Union County, Oregon, and it appearing to the Court that said petition is signed by more than twelve householders of this County residing in the vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and places of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to-wit: at the front of the Court house door in the County of Union, State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit:

One posted on a tree in front of Mr. J. M. Jones' home, another on a tree near Robt. Blights' home, another on a tree on the northeast corner of Mrs. Gaskell's place, all which places are in Union County, State of Oregon for more than thirty days immediately prior to the presentation of said petition to this Court, notifying all persons concerned that application would be made to this Court at the present session of this Court, and that the notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost of these proceedings has been duly given, It is therefore ordered that Filmore Weyatt, J. M. Morton and John Graham Jr. be appointed Viewers of said road, and that J. L. Curtis be appointed Surveyor of said road, and that they meet at the Drury School house on the 21<sup>st</sup> day of August 1891. at the hour of 10 o'clock A.M. and after qualifying, to view, survey and lay out said road, according to Law.

In the matter of improvements on Court house }

At this time it appearing to the Court that Chas. C. Coffinberry has completed his contract, It is ordered that the same be approved and accepted by the Court, and it appearing

First Judicial Day

Wednesday Sept 9<sup>th</sup> 1891

In the Matter of the Road }  
petitioned for by A. Lunn et al }

This Matter came on to be heard at this time on the report of the Viewers and surveyors heretofore appointed herein, and said report having been read in open Court for the first time is laid over for further reading on some other day of this term of Court.

In the Matter of the Road pe- }  
titioned for by E. Smith et al }

This Matter came on to be heard at this time on the report of the Viewers and surveyors heretofore appointed herein, and said report having been read in open Court for the first time is laid over for further reading on some other day of this term of Court.

In the matter of the Road pe- }  
titioned for by J. W. Ray et al }

This matter came on to be heard at this time on the report of viewers and surveyors heretofore appointed herein, and said report having been read in open Court for the first time is laid over for further reading on some other day of this term of Court.

In the Matter of the Road pe- }  
titioned for by S. W. Holmes et al }

This Matter came on to be heard at this time on the Report of Viewers and Surveyors appointed herein, and said report having been read in open Court for the first time is laid over for further reading on some other day of this term of Court.



Second Judicial Day

Thursday Sept 10<sup>th</sup> 1891

present term of the Court, and it appearing to the Court that said viewers report favorably thereon, and recommend that said proposed road be established as a County road and be declared a public highway of Union County, Oregon, and all the proceedings herein having been regular, and according to law, and no remonstrance or claim for damages having been filed herein and there having been no cause shown why this proposed road should not be declared a public highway and ordered open according to law and the Court being satisfied from the report of the viewers that such road will be of public utility. It is therefore considered and ordered by the court that said reports of the viewers and surveyor be approved and adopted by the Court, and that said proposed road be declared a public highway of Union Co. Oregon and ordered opened up and placed in repair for travel according to law. It is therefore further ordered that the report of the viewers be placed on record in this Journal and that the surveyors plat of the proposed road, and his field notes of the survey thereof, be placed on record in the book of Plats of County roads of Union County Oregon, and that L. S. Kelsey Road Supervisor of road District No 25 - the same being the road district in which said road is located, be furnished with a copy of the petition herein, and a copy of this decree and ordered to open up said road and place the same in repair for travel.

In the Matter of the proposed County  
Road petitioned for by E. Smith et al }

This matter came on to be heard at this time on the reports of the Viewers and Surveyor heretofore appointed, herein for a second reading as provided by law, and the Report of Viewers, being in words following to wit:

Second Judicial Day

Thursday Sept 10<sup>th</sup> 1891

Report of Viewers

To the Honorable County Court for Union County Oregon  
 The undersigned viewers heretofore on the 5 day of August 1891 appointed to view and lay out and alter the proposed County road of which the survey hereto attached is a true and correct description as petitioned for by E Smith et al. beg leave to report that on the 21 day of August 1891 in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof and that in our opinions said proposed road should be laid out and established as a public highway of Union County Oregon. That the same is practicable and would add greatly to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be laid out and declared a public highway of said county

John Graham Jr  
 J. H. Morton  
 M. J. Wyett

And said report of the viewers and the report of the surveyor having been now publicly read in open court, on two several days of the present term of the court, and it appearing to the court that said viewers report favorably thereon, and recommend that said proposed road be established as a County road and be declared a public highway of Union County Oregon, and all the proceedings herein having been regular, and according to law, and no remonstrance or claim for damages having been filed herein and there having been no cause shown why this proposed road should not be declared a public highway and ordered open according to law, and the court being satisfied from

Second Judicial Day

Thursday Sept. 10<sup>th</sup> 1891.

the report of the viewers that such road will be of public utility. It is therefore considered and ordered by the court that said reports of the viewers and surveyor be approved and adopted by the Court and that said proposed road be declared a public highway of Union Co. Oregon and ordered opened up and placed in repair for travel according to law. It is further ordered that the report of the viewers be placed on record in this Journal, and that the surveyor's plat of the proposed road and field notes of the survey thereof, be placed on record in the book of plats of County roads of Union County, Oregon, and that Charles Wyatt Road Supervisor of Road District, No. 37 the same being the road district in which said road is located, be furnished with a copy of the petition herein, and a copy of this decree and ordered to open up said road and place the same in repair for travel.

In the Matter of the proposed County  
Road petitioned for by A. Lunn et al

This matter came on to be heard at this time on the reports of the Viewers and Surveyor heretofore appointed, herein for a second reading as provided by law, and the Report of Viewers being in words following, to-wit:

### Report of Viewers

To the Honorable County Court for Union County Oregon  
The undersigned viewers heretofore on the 5<sup>th</sup> day of August 1891 appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by A. Lunn et al beg leave to report that on the 14<sup>th</sup> day of Aug 1891 in pursuance with said appointment and order after being duly sworn to